

**§ 473.23 Interagency review panel.**

(a) The interagency review panel shall consist of—

(1) A head designated by the Federal agency that employs the manager;

(2) A representative of the DOE if the manager is not an employee of the DOE; and

(3) A representative of any other Federal agency deemed appropriate by the Federal agency that employs the manager.

(b) The interagency review panel shall—

(1) Review the research and development to be performed and consider the information presented by the applicant, in the case of a grant, cooperative agreement, or contract, and by any interested person who filed a statement of objection;

(2) Make a recommendation with a supporting statement of findings to the manager as to whether the research and development to be performed complies with the standards and criteria of § 473.30; and

(3) Operate by majority vote with the head of the panel casting the decisive vote in the event of a tie.

**§ 473.24 Final action and certification by manager.**

(a) Upon consideration of the recommendation of the interagency review panel and other pertinent information, the manager—

(1) Shall determine whether the research and development to be performed complies with the standards and criteria of § 473.30;

(2) Shall obtain the concurrence of the DOE if the manager is not an employee of the DOE;

(3) Shall, in the event of a negative determination under this section, advise the applicant, in the case of a grant, cooperative agreement, or contract, and any interested person who filed a statement of objection; and

(4) Shall, in the event of an affirmative determination under this section, prepare a certification—

(i) Explaining the determination;

(ii) Discussing any allegedly related or comparable industrial research and development considered and deemed to be an inadequate basis for not certifying the grant or contract;

(iii) Discussing issues regarding cost sharing and patent rights related to the standards and criteria of § 473.30 of these regulations; and

(iv) Discussing any other relevant issue.

(b) After complying with paragraph (a) of this section, the manager shall sign the certification and distribute copies to the applicant, if any, and any interested person who filed a statement of objections—

(1) Immediately in the case of a DOE or agency project; and

(2) After the agreement has been negotiated in the case of a grant, cooperative agreement, or contract.

**§ 473.25 Reviewability of certification.**

Any certification issued under these rules is—

(a) Subject to disclosure under 5 U.S.C. 552 (1970) and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5918 (1970);

(b) Subject neither to judicial review nor to the provisions of 5 U.S.C. 551–559 (1970), except as provided under paragraph (a) of this section; and

(c) Available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

**§ 473.30 Standards and criteria.**

Research and development to be performed under a grant, under a cooperative agreement, under a contract, as a DOE project, or as an agency project under the Act may be certified under these regulations only if the research and development to be conducted—

(a) Supplements the automotive propulsion system research and development efforts of industry or any other private researcher;

(b) Is not duplicative of efforts previously abandoned by private researchers unless there has been an intervening technological advance, promising conceptual innovation, or justified by other special consideration;

(c) Would not be performed during the annual funding period but for the availability of the Federal funding being sought;

(d) Is likely to produce an advanced automobile propulsion system suitable for steps toward technology transfer to mass production in a shorter time period than would otherwise occur;

(e) Is not technologically the same as efforts by any person conducted previously or to be conducted during the annual funding period regarding a substantially similar advanced automobile propulsion system; and

(f) Is not likely to result in a decrease in the level of private resources expended on advanced automotive research and development by substituting Federal funds without justification.

#### PART 474—ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM; EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION

Sec.

474.1 Purpose and scope.

474.2 Definitions.

474.3 Test procedures.

474.4 Equivalent petroleum-based fuel economy calculation.

AUTHORITY: Sec. 503(a)(3), Motor Vehicle Information and Cost Savings Act, Pub. L. 94-163 (15 U.S.C. 2003(a)(3)), as added by sec. 18, Chrysler Corporation Loan Guarantee Act of 1979, Pub. L. 96-185; Department of Energy Organization Act, Pub. L. 95-91.

SOURCE: 46 FR 22753, Apr. 21, 1981, unless otherwise noted.

##### § 474.1 Purpose and scope.

This part contains procedures for calculating the equivalent petroleum-based fuel economy value of electric vehicles, as required to be prescribed by the Secretary of Energy under section 503(a)(3) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(3)), as added by section 18 of the Chrysler Corporation Loan Guarantee Act of 1979. The equivalent petroleum-based fuel economy value is intended to be used in calculating corporate average fuel economy pursuant to regulations promulgated by the Environmental Protection Agency at 40 CFR Part 600—Fuel Economy of Motor Vehicles.

##### § 474.2 Definitions.

For purposes of this part, the term—

*Electric vehicle* means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable energy storage devices. Recharge energy shall be drawn primarily from a source off the vehicle, such as residential electric service.

*Electrical efficiency value* means the weighted average of the stop-and-go and steady-speed electrical efficiency values, as determined in accordance with § 474.4(b).

*Energy equivalent fuel economy value* means the electrical efficiency value converted into units of miles per gallon, as determined in accordance with § 474.4(c).

*Equivalent petroleum-based fuel economy value* means a number, determined in accordance with § 474.4, which represents the average number of miles travelled by an electric vehicle per gallon of gasoline.

*Model type* means the term defined by the Environmental Protection Agency in its regulations at 40 CFR 600.002-81(19).

*Model year* means the term defined by the Environmental Protection Agency in its regulations at 40 CFR 600.002-81(6).

*Petroleum equivalency factor* means a number which represents the parameters listed in section 503(a)(3)(ii) through (iv) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(3)) for purposes of calculating equivalent petroleum-based fuel economy in accordance with § 474.4.

*Petroleum-powered accessory* means a heater/defroster system or an air conditioner system which uses fuel, as defined in section 501(5) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) as its primary energy source.

*Production volume* means the term defined by the Environmental Protection Agency in its regulations at 40 CFR 600.002-81(32).

*Steady-speed electrical efficiency value* means the average number of kilowatt-hours of electrical energy required for an electric vehicle to travel 1 mile, as determined in accordance with § 474.3(c).